

Message Text

CONFIDENTIAL

PAGE 01 TEHRAN 05938 060916Z
ACTION NEA-07

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00
L-01 PRS-01 /034 W
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FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 3386

C O N F I D E N T I A L TEHRAN 5938

LIMDIS

E.O. 11652: XGDS-1
TAGS: PFOR PINT AINF
SUBJ: LEGAL ACTION AGAINST NASSER AFSHAR

REF: TEHRAN 3771

1. PROMINENT IRANIAN ATTORNEY MUSA SABI SUBMITTED LETTER TO AMB JULY 2 INDICATING HE IS PROCEEDING TO NEW YORK TO SEE IF PROCEEDINGS AGAINST AFSHAR WHICH WERE DROPPED LAST FALL CAN BE REINSTITUTED. LETTER CONTAINED PARAGRAPH SAYING SHAH HAD BEEN INFORMED OF DISMISSAL OF INDICTMENT AND HAS ORDERED CASE PRESSED. LETTER ASKED AMBASSADOR'S INTERVENTION TO ARRANGE INTRODUCTION TO EITHER SECSTATE OR ATTNY GENERAL.

2. SABI TOLD ACTING HEAD OF POL SECTION HE HAD BEEN EMPLOYED BY PAHLAVI FOUNDATION AT SHAH'S REQUEST TO PRESS PROSECUTION OF AFSHAR. ORIGINAL CASE WAS DISMISSED, ACCORDING TO US FIRM ROGERS AND WELLS' LETTER TO SABI, BECAUSE AFSHAR SUCCESSFULLY PASSED LIE DETECTOR TEST ON POINTS CONTAINED IN INDICTMENT AFTER CHARGING PROSECUTING ATTORNEY AND JUDGE HAD TAKEN BRIBES TO KEEP CASE OPEN TO "GET" HIM. SABI ALSO SAID HE WILL BE CARRYING FULL POWER OF ATTORNEY FROM DEP CUSTODIAN OF PAHLAVI FOUNDATION TO INSTITUTE CRIMINAL LAWSUIT, DEFEND ALL COUNTER-SUITS, HIRE ATTORNEYS AND MAKE CONFIDENTIAL

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AGREEMENTS WITH US LAW FIRMS. SABI IS NOT PERMITTED TO SETTLE OR OTHERWISE ABANDON CASE WITHOUT PERSONAL CONSENT OF DEP CUSTODIAN (READ: SHAH).

3. SABI WAS REFERRED TO NEA/IRN--NAAS FOR DISCUSSION OF PROBLEM AND ARRANGEMENT OF APPROPRIATE CONTACTS. GIVEN DEPTS INVOLVEMENT UNDER FREEDOM-OF -INFORMATION ACT

(SEE REFTEL AND PREVIOUS) AND SENSITIVITY OF CASE, BELIEVE
LEGAL ADVISOR SHOULD DISCUSS MATTER WITH SABI. SABI IS
CLEARLY UNDER ORDERS FROM TOP HERE TO PRESS CASE VIGOROUSLY
AND REINSTITUTE CHARGES IF POSSIBLE (ROGER AND WELLS
INDICATED TO HIM THAT SINCE CHARGES WERE DISMISSED BEFOR
JURY EMPANELED, QUESTION OF DOUBLE JEOPARDY DID NOT ARISE).
PROBLEM OF POLITICAL SENSITIVITY COULD BECOME ACUTE IF
PROSECUTION PROCEEDS, SINCE AFSHAR WILL MOST CERTAINLY
CHARGE SHAH AND GOI ARE OUT TO GET HIM AND TRY TO TURN MATTER
INTO POLITICAL RATHER THAN JUDICIAL HEARING. ON OTHER HAND,
IF USG IS TOO DISCOURAGING REGARDING SABI EFFORT, OLDER
SUSPICIONS THAT US SOMEHOW "USING" AFSHAR AS ANTI-SHAH
STALKING HORSE LIKELY TO RESURFACT AT HIGHEST LEVELS HERE
AND SIGNIFICANTLY COMPLICATE POLITICAL CONTEXT OF IRANO-US
RELATIONS.

4. FOR RECORD, EMB POUCHING NEA/IRN COPIES OF MATERIAL SABI
TURNED OVER TO EMBOFF. SABI EXPECTS TO ARRIVE IN US JULY 10
AND WILL INITIALLY STAY AT HOTEL PIERRE, NEW YORK.
SULLIVAN

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